

ANTHONY F. JESELNICK
ATTORNEY AT LAW
U. S. STEEL TOWER FIFTEENTH FLOOR
600 GRANT STREET
PITTSBURGH, PENNSYLVANIA 15219 - 2800
(412) 433 - 2962
email: afjeselnick@uss.com

May 7, 2014

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Via Electronic Delivery and First Class U. S. Mail

Federal Election Commission
Office of the General Counsel
Attn: Jeff S. Jordan, Assistant General Counsel
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 6807 / The Arche Wellness Foundation

Dear Mr. Jordan:

The undersigned represents The Arche Wellness Foundation ("Foundation") in connection with the above-referenced matter. The Statement of Designation of Counsel, duly executed by Roy J. Roscoe, founder and Secretary of the Foundation, is provided herewith.

This letter is in response to the Complaint dated April 3, 2014, which was directed to the Foundation under the Commission's letter dated April 18 and received by the Foundation on April 22. The Foundation is a Pennsylvania nonprofit corporation offering drug and alcohol rehabilitative services to individuals in the community. Erin McClelland ("Ms. McClelland") is President and Executive Director of the Foundation. She occupied essentially the same positions for 7 years in Arche Wellness, LLC, a limited liability company for profit ("Arche Wellness"). The Foundation acquired all of the business and assets of Arche Wellness, and began operations on August 1, 2013.

Complaint Lacks Evidence To Establish Violation Of Federal Election Laws

Contrary to the Complaint, there was no 'in kind contribution' by the Foundation to Ms. McClelland or to the Erin McClelland for Congress Committee ("Committee") within the meaning of 11 CFR § 100.52(a), which mandates that the contribution be made "for the purpose of influencing any election for Federal office." On its face, the Complaint acknowledges valid

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business reasons for the advertisement by the Foundation when it states that Ms. McClelland was acting as the "spokeswoman ... regarding the services the Foundation provides." The Complaint contains no fact or even an allegation, which would suggest that Ms. McClelland's appearance in the 16 second commercial airing only in the early morning hours – at the direction of the Foundation and consistent with her traditional role in promoting Arche Wellness and its rehabilitative services – constitutes an in kind political contribution. The advertisement contained no political information and disseminated no political view or message. There are simply no facts, or factual inferences, which would substantiate the allegation that the Foundation made an in kind contribution to the McClelland Campaign for the purpose of influencing the election of Ms. McClelland. The failure of the Complaint to state a prima facie violation of any campaign law or standard compels dismissal of the Complaint with prejudice.

Requisite Standards Of A Coordinated Communication Have Not Been Met

Arche Wellness made no payment for the purpose of influencing an election, and did not engage in prohibited coordinated communication within the meaning of 11 CFR § 109.21. In particular, the 'content standard' of subsection (a)(2) cannot be satisfied. The subject advertisement is not an electioneering communication under subsection (c)(1); there is no reference to Ms. McClelland or to her candidacy for Federal office, as required by 11 CFR § 100.29(a)(1). The advertisement contains no content whatsoever that would satisfy subsection (c)(2) of CFR § 109.21. The commercial does not convey a political message, or suggest the election or defeat of a candidate for Federal office (subsection (c)(3)). There is no mention of any house, senate, presidential or vice-presidential candidate or of any political party, as required by the provisions of subsection (c)(4). The language in the commercial does not appeal to people to vote for or against any candidate, so as to violate subsection (c)(5).

At the very minimum, the advertisement falls within the definition of a "safe harbor for commercial transactions." It clearly is protected by 11 CFR § 109.21(i), which reads:

A public communication in which a Federal candidate is clearly identified only in his or her capacity as the owner or operator of a business that existed prior to the candidacy is not a coordinated communication with respect to the clearly identified candidate if

- (1) The medium, timing, content, and geographic distribution of the public communication are consistent with public communication made prior to the candidacy; and

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- (2) The public communication does not promote, support, attack, or oppose that candidate or another candidate who seeks the same office as that candidate.

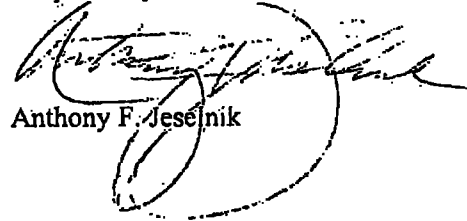
As set forth in the enclosed Affidavit, Ms. McClelland has appeared in television advertisements and historically has promoted Arche Wellness and its drug and alcohol rehabilitative services in public appearances and in commercials. The numerous commercials in which Ms. McClelland appeared previously are practically identical to the one in which she now is being accused of participating for political reasons.

In the instant advertisement, Ms. McClelland clearly identifies herself as being "of Arche Wellness" with the Arche Wellness Foundation name in large print in the background. The commercial did not vary from prior commercials. The full 16 seconds of time were devoted to the addiction recovery program of Arche Wellness. As before, there is no political message, or suggestion thereof. Since the safe harbor provisions unquestionably have been satisfied, the subject advertisement does not violate the conduct standards.

Conclusion

Based upon the foregoing, the Complaint is without merit. Therefore, it is respectfully requested that the Complaint be dismissed with prejudice. Please advise me, if further information or clarification may be needed.

Respectfully submitted,



Anthony F. Jeselnik

AFJ/gt
enclosures

cc: The Arche Wellness Foundation



FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL
Please use *one* form for each Respondent/Entity/Treasurer
FAX (202) 219-3923

MUR# 6807

NAME OF COUNSEL: Anthony F. Jeselnik

FIRM: Pa-I.D 20650

ADDRESS: U.S. Steel Tower, Fifteenth Floor
600 Grant Street
Pittsburgh, PA 15219-2800

TELEPHONE- OFFICE (412) 433-2962

FAX (412) 433-2811

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

05/05/14
Date

Ray J. Lascoe
Respondent/Agent -Signature

Secretary
Title (Treasurer/Candidate/Owner)

NAMED RESPONDENT: Arche Wellness Foundation

MAILING ADDRESS: 237 Sixth Street
(Please Print)

Pittsburgh, PA 15238

TELEPHONE- HOME _____

BUSINESS (412) 820-8328

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation